

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**AVIO, INC.**, a Michigan corporation,  
Individually and as the representative of a  
class of similarly situated persons,

Plaintiff,

vs.

No. 2:10-cv-10221  
Hon. Gerald E. Rosen

**ALFOCCINO, INC., D. TALIERCIO  
INVESTMENTS, INC., and FARSHID  
("TONY") SHUSHTARI**

Defendants.

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**OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S  
MOTION FOR CLASS CERTIFICATION**

On September 24, 2013, Plaintiff moved for class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure in this Telephone Consumer Protection Act matter. (Dkt. # 109). Under this Court's Amended Scheduling Order, discovery closes on October 25, 2013. (Dkt. # 98). Defendants now seek a slight reprieve from the normal 21-day response deadline under Local Rule 7.1(e)(1)(B) because their response is due before discovery cutoff. Accordingly, Defendants request that this Court extend the response deadline until a week after discovery cutoff. (Def's Mtn., Dkt. # 111, at 7). This will permit Defendants to

include information garnered during the deposition of Plaintiff's corporate and class representative, which is currently scheduled for October 3, 2013. (*Id.* at 6).

This request is reasonable and the Court hereby GRANTS Defendants' Motion.

For all of the foregoing reasons,

IT IS HEREBY ORDERED that Defendants' Motion for Extension of Time to File a Response to Plaintiff's Motion for Class Certification is GRANTED.

IT IS HEREBY FURTHER ORDERED that Defendants may file their response to Plaintiff's Motion for Class Certification no later than November 4, 2013.

IT IS HEREBY FURTHER ORDERED that this does not affect any other dates in the Court's Amended Scheduling Order, including the dispositive motion cut-off date of November 25, 2013.

**IT IS SO ORDERED.**

Dated: October 8, 2013

s/Gerald E. Rosen  
GERALD E. ROSEN  
CHIEF, U.S. DISTRICT COURT

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 8, 2013, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, 313-234-5135